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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,317	11/16/2000	Yoshiyuki Takaku	7217/63016	6477

7590

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EXAMINER
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SHIN, CHRISTOPHER B

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/714,317

**Applicant(s)**

TAKAKU ET AL.

**Examiner**

Christopher B Shin

**Art Unit**

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The Amendment received December 22, 2003 has been entered and carefully considered. Claims 1-58 are pending in the application.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 58 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 58:

- a. Line 10, the word "stem" doesn't make any sense; the phrase "command transmission source" lacks proper and clear antecedent basis.
  - b. Line 18, the phrase "other apparatus that transmitted said notifying command" lacks functional antecedent basis, i.e., no such command was transmitted by an "other apparatus". What is the functional and structural relationship between "one other apparatus" and "an other apparatus"?
4. The examiner notes that one of the examiner cited reference Humpleman et al. (6,466,971) teaches the general back ground teachings that are very similar the claimed

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system environment and also similar to the Venners et al.. The examiner found more references that are similar to the claimed system environment that the examiner relies as the well known back ground common knowledge. The examiner also notes that the present claims are somewhat, unnecessarily misleading and confusing, due the language usage, though the examiner did not rejected under 35 USC 112 2<sup>nd</sup> paragraph. The examiner kindly recommends the applicant to avoid using long sentences with repetitive words, as presently claimed.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venners et al. (4,855,730).

a. In figures 1-2 and the respective description sections, the Venners reference teaches the claimed limitations as follows & the examiner would like to discuss the apparatus version claims first.

#### Claims 24-29                      Venners et al.

- A communication apparatus connected to a predetermined network
  - Feature of system of figure 1
- Input and output means (I/O) for communicating with at least one other apparatus connected to said network
  - Feature of top section (one-third section) of the figure 1

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- Communication control means for detecting a command received at said input and output means to enable said input and output means to receive stream data from a predetermined apparatus and enabling said input and output means to transmit data indicating that a stream data configuration is at least temporarily disabled to an other apparatus that transmitted said command when an input of said stream data is at least temporarily disabled
  - Feature of column 5, lines 14-50 in combination with the rest of the teachings of Humpleman et al
- Command control means for enabling said input and output means to output a command for enabling said at least one other apparatus connected to said network to input stream data, whereby when it is determined by a response to said command that said at least one other apparatus is at least temporarily not able to receive said command output of said stream data from said input and output means is paused until said at least one other apparatus is able to receive said command
  - Feature of column 5, lines 14-50 in combination with the rest of the teachings of Humpleman et al
- Limitations of claims 25-28 & 30-31
  - Feature of column 5, lines 14-50 in combination with the rest of the teachings of Humpleman et al.

Claims 32-38Venners et al.

- A communication apparatus connected to a predetermined network
  - Feature of system of figure 1
- Input and output means (I/O) for communicating with at least one other apparatus connected to said network
  - Feature of top section (one-third section) of the figure 1
- Communication control means whereby when a first command for enabling said input and output means to receive stream data from a predetermined other apparatus is detected at said input and output means a connection is established within said communication apparatus to allow said input and output means to input said stream data, a connection between said communication apparatus and said predetermined other apparatus is executed
- Data notifying that processing has been completed are transmitted from said input and output means to said predetermined other apparatus when said processing is completed
  - Feature of column 5, lines 14-50 in combination with the rest of the teachings of Humpleman et al
- Communication control means whereby when a second command for executing a predetermined confirmation indicating that said communication apparatus is ready to input said stream data is detected data notifying that said communication apparatus is ready to input said stream data is transmitted from said input and output means to an other apparatus that transmitted said second command
  - Feature of column 5, lines 14-50 in combination with the rest of the teachings of Humpleman et al.
- Limitations of claims 33-38

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- Feature of column 5, lines 14-50 in combination with the rest of the teachings of Humpleman et al.

Claims 39-56                      Venners et al.

- A communication apparatus connected to a predetermined network
  - Feature of system of figure 1
- Input and output means (I/O) for communicating with at least one other apparatus connected to said network
  - Feature of top section (one-third section) of the figure 1
- Communication control means for controlling said input and output means to output a first command for setting said at least one other apparatus to allow said at least one other apparatus to input stream data and to output a second command for confirming whether said at least one other apparatus is ready to input said stream data
  - Feature of column 5, lines 14-50
- Wherein (I/O) retransmits said second command when said communication control means determines by a response based on said second command that said at least one other apparatus is not ready to input said stream data
  - Feature of column 5, lines 14-50
- Limitations of claims 41-56
  - Feature of column 5, lines 14-50 in combination with the rest of the teachings of Humpleman et al.

Claims 57-58                      Venners et al.

- A communication apparatus connected to a predetermined network
  - Feature of a system of figure 1
- Input and output means (I/O) for communicating with at least one other apparatus connected to said network
  - Feature of top section (one-third section) of the figure 1
- Communication control means for controlling said I/O to transmit data notifying that said at least one other apparatus is ready to transmit stream data when said communication control means receives at said input and output means a command for confirming whether said at least one other apparatus is ready to transmit said stream data
  - Feature of column 5, lines 14-50
- Communication control means for controlling said I/O to transmit data indicating a status in which said at least one other apparatus is ready to transmit stream data to said command transmission source ... said notifying command
  - Feature of column 5, lines 14-50

b. As for the method claims 24-58, it appears that the Venners patent teachings do not exactly teach the claimed communication control means in

terms of a specific types of data that are being communicated over the bus/network. However, the Venners reference does teach all of the substantially identical handshake protocols for communicating data among devices on the bus/network for the purpose of controlling communication (i.e., the claimed communication control means). Therefore, it would have been obvious at the time the invention was made to one having ordinary skill in the art to come up with the claimed invention from the teachings of the Venners for the motivation and purpose of communication among devices on the bus/network, as discussed above.

c. As for the claims 1-23 are the method version of the above discussed claims 24-58, therefore, the teachings of the method claims are similarly applied.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher B Shin whose telephone number is 703-305-9658. The examiner can normally be reached on 6:30-5:00 M,Tu,Th,F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher B Shin  
Primary Examiner  
Of 2182

April 4, 2004

